

Democrats Offer Floor Amendment to Scan 100 Percent of Shipping Containers

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WASHINGTON, D.C. – With floor consideration scheduled this week on a major port security bill, Democrats have offered an amendment to strengthen the container-scanning standard to 100 percent. The amendment is sponsored by Congressmen Jerrold Nadler, Jim Oberstar, Ed Markey, Jane Harman, Peter DeFazio, Nita Lowey, and Sheila Jackson Lee.

The amendment mirrors Nadler’s S.O.S. Act, H.R. 4899, previously offered in two different committees by Nadler, Oberstar, and Markey. The legislation calls for every shipping container bound for the United States to be scanned for radiation and density before it is loaded at the port of origin, and sealed with a tamper-proof seal.

Congressman Nadler offered the following testimony [excerpted] before the House Rules Committee, the Republican-controlled body that decides which amendments will be allowed on the House floor:

“The SOS Act requires that every container be scanned and sealed before it reaches the United States so that we can prevent nuclear weapons from being smuggled to, or detonated in, the United States through our ports.

On April 5, I offered a version of the SOS Act to a port security bill in the Transportation and Infrastructure Committee. Along with the support of Chairman Don Young and Subcommittee Chairman LoBiondo, the SOS Act amendment passed unanimously by voice vote.

Last week, Mr. Markey offered the same amendment in the Homeland Security Committee markup of the SAFE Port Act. Unfortunately, the Homeland Security Committee chose to take a more partisan approach by using parliamentary procedures and offering weaker amendments to give their Members cover to vote against the Markey Amendment, and it ultimately failed on a virtual party-line vote.

We must not shy away from this very serious issue, and we must not hide our heads in the sand hoping that terrorists choose not to use the gaps in port security against us. I urge you to make this amendment in order so that Members from both sides of the aisle can have an opportunity to take a strong vote for container security, and show the American people that we take the issue of port security seriously.

Mr. Chairman, I know the Committee adopted an amendment by Ms. Brown-Waite of Florida to further study this issue. Frankly, at this point we must do more than study the issue. The time to act is now. We know the technology works and we are giving everyone at least three years to implement the changes we suggest. We don’t need to waste another year studying something that so clearly must be done if we are to be secure. When it comes to national security we cannot afford to delay any further.

The amendment we are offering today is the same as the amendments that were offered in the Transportation and Homeland Security Committees. It would simply attach the SOS Act to the end of the bill with a few modifications. The amendment would require that:

- All containers must be scanned using the best-available technology, including scanning for radiation and density, which is what they do in Hong Kong, before the containers are loaded onto a ship bound for the United States;

- The scans must be submitted to U.S. Government officials for review before the container is loaded (which can be done in real-time over secure computer networks);

- The containers must be sealed with a device that indicates if the container is tampered with in transit. The seal standards require the use of best-available technology, and they must be updated when the technology is available to notify U.S. officials of a breach before the containers enters the Exclusive Economic Zone of the United States;

- In order to give ports time to purchase and install the scanning equipment, large ports that shipped over 75,000 TEUs to the U.S. in Calendar Year 2005 would be given three years to comply, and smaller ports five years. A one year extension could be granted to a port, but only if the scanning equipment is unavailable for the port to purchase to install.

The bottom line is that we have developed a fast, cheap and efficient way to verify what's in every box. This is a common sense solution that will close a dangerous hole in our port security system. We cannot rely on programs that allow industry to police itself, and we cannot be content to live with some "level of risk" to the American people. We cannot allow one nuclear bomb to come in through our ports. It is up to us in Congress to set the bar high and dictate the terms of security, not industry. Industry was opposed to requiring shippers provide the cargo manifests 24 hours in advance, and that hasn't hindered the flow of commerce. Industry has one goal - its bottom line profit. It is our job to protect the American people, and our primary concern should be security that works regardless of the cost. Luckily, the cost to create and implement this system is virtually nothing.

The SAFE Port Act introduced by Mr. Lungren and Ms. Harman, is a fine bill. The problem is that it does not do enough to ensure the security of shipping containers. We must not wait to impose security measures until containers reach the United States. If there is a bomb inside a container, and it is detected in Newark, or Miami, or Los Angeles, it may be too late. The technology exists to verify the contents of the containers at the point of origin, by scanning them with non-intrusive technology as it is done in Hong Kong, before they are loaded onto a ship destined for America. This amendment will do just that.

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